

## **ZONING AND ADJUSTMENT BOARD**

***January 16, 2007***

The Zoning and Adjustment Board of Sumter County, Florida, convened on Tuesday, January 16, 2007 at 6:30 pm with the following members present: Larry Story – Chairman, Bailey Cassels, Ron Berry, Frank Topping, Frank Szczepanski, Dossie Singleton, and Richard Cole.

Evan Merritt, Todd Brown, Rusty Mask, and Marge Thies were absent.

Lee Hawkins - Zoning and Adjustment Board Attorney, Alysia Akins - Acting Secretary, and Brad Cornelius - Planning Manager, were present.

Chairman Larry Story called the meeting to order and Mr. Cassels led the pledge of allegiance and Mr. Berry led the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the January 2, 2007 meeting. Mr. Berry seconded the motion and the motion carried.

### ***S2007-0002***

#### ***Bernadine Bartz-Request for minor special use permit for 6 COP quota license***

Mr. Cole made a motion to remove this application from the table. Mr. Berry seconded the motion and the motion carried.

Bret Hamilton, representative, was present and requested a minor special use permit for a 6 COP quota license. There were nine (9) notices sent. Of the nine (9) notices sent, none were returned in favor, and none were returned in objection. There were no objections from the audience. Mr. Cornelius announced the required letter of authorization had been submitted; although Mr. Hamilton has not applied for the required building permits.

Mr. Cole made a motion to table the request for a minor special use permit for a COP quota license until February 5, 2007 due to the applicant not meeting the building permit requirements. Mr. Topping seconded the motion and the motion carried with one dissenting vote by Mr. Berry.

Mr. Hamilton stated he has an allotted time frame to get the liquor license transferred into his name, which expires on February 2, 2007. Mr. Hamilton explained the reason he has not been able to apply for the required building permits is due to his architect not having the building plans completed, although they are supposed to be ready this week. Mr. Topping inquired about an approval being made contingent upon Mr. Hamilton obtaining the required building permits. Mr. Cornelius explained Mr. Hamilton can't operate his business without a Certificate of Occupancy, which is issued by the building department. Mr. Cornelius stated any Special Use approval made by this Board will be for the liquor license only.

Mr. Berry made a motion to remove the application from the table. Mr. Cole seconded the motion and the motion carried.

Mr. Hamilton explained the required sprinkler system has been installed as requested by the Fire Marshall. Mr. Hamilton stated he had hired his architect at the end of December. Mr. Cornelius stated Mr. Hamilton had contacted zoning at the end of November regarding the liquor license, which is when he was informed of the special use permit requirements. Mr. Cornelius discussed code compliance and building department issues due to interior renovations that were done without the required building permits or inspections. Mr. Cornelius stated Mr. Hamilton has been working with the building department in order to resolve these issues. Mr. Berry stated this site has previously been utilized for liquor sales. Mr. Cole expressed his concerns with the renovations that had been completed without the required building permits.

Mr. Cassels made a motion to approve the minor special use permit for a 6 COP quota license. Mr. Berry seconded the motion and the motion carried.

***S2007-0003***

***Bulmaro and Monica Maya-Request for minor Special Use Permit to allow wholesale nursery on 1.86 acres***

Bulmaro Maya was present and requested a minor special use permit to allow a wholesale nursery on 1.86 acres. There were six (6) notices sent. Of the six (6) notices sent, none were returned in favor, and none were returned in objection. There were objections from the audience: Harland Lacey, Ken Baker, and Joann Baker. Mr. Maya explained he was requesting approval on 3 lots for a wholesale nursery to allow one customer who frequented the nursery approximately 2-3 times per year, and would create very minimal traffic. Mr. Maya explained he grew live oaks for extra income, in addition to his full-time job at another nursery. Mr. Maya explained the trees were grown in liners and averaged approximately 50 per tray for a total of 50,000-80,000 trees. Mr. Maya explained the trees were then transplanted into 1-3 gallon pots and grew to approximately 5' tall with 8" in diameter before they were sold. Mr. Maya stated he has a 32' x 80' greenhouse. Mr. Maya stated his wife takes care of the trees while he is at work. Mr. Maya stated his only equipment is a lawnmower. Mr. Lacey submitted a petition signed by the neighbors objecting the nursery and expressed his concerns regarding the water supply. Mr. Baker expressed his concerns regarding the shallow wells in the area. Mrs. Baker expressed her concerns regarding possible chemicals being used. Mr. Maya explained no chemicals were used. Mr. Maya explained he generally irrigates 2 hours per day using a mist system, which pumps an average of 12 gallons per minute. Mr. Cornelius stated a water use permit may be required by Southwest Florida Water Management District (SWFWMD). Mr. Story discussed other pumps in the area that are currently monitored by SWFWMD. Mr. Cornelius explained Mr. Maya was reported to code compliance for operating a nursery in a residential neighborhood. Mr. Cornelius stated the greenhouse is encroaching on the setbacks and needs to be relocated to meet setback requirements.

Mr. Topping made a motion to approve the request for a minor special use permit to allow a wholesale nursery on 1.86 acres, contingent upon any water use permit approvals from SWFWMD, and all staff conditions included in the staff report being complied with. Mr. Cole seconded the motion and the motion carried.

***SS2007-0001***

***Antonio Estarellas-Small Scale Comprehensive Plan Amendment to change Future Land Use from Rural Residential to Commercial on 9.9 acres***

Antonio Estarellas was present and requested a Small Scale Comprehensive Plan Amendment to change the Future Land Use from Rural Residential to Commercial on 9.9 acres. There were eleven (11) notices sent. Of the eleven (11) notices sent, three (3) were returned in objection, and none were returned in favor. There were no objections from the audience. Mr. Cornelius read the letters of objection into the record. Mr. Estarellas explained he owns 49 acres zoned agricultural that adjoined the subject property, in addition to 10 acres east of the subject property already zoned light commercial. The surrounding properties' zonings and land uses were discussed.

Mr. Topping made a motion to recommend approval to the Board of County Commissioners (BOCC) of the Small Scale Comprehensive Plan Amendment to change the Future Land Use from Rural Residential to Commercial on 9.9 acres. Mr. Cole seconded the motion and the motion carried.

***R2007-0001***

***Antonio Estarellas-Rezone 9.9 acres from A5 to CL for compliance with Future Land Use***

Antonio Estarellas was present and requested to rezone 9.9 acres from A5 to CL in order to bring property into compliance with the Future Land Use. There were eleven (11) notices sent. Of the eleven (11) notices sent, three (3) were returned in objection, and none were returned in favor. There were no objections from the audience. Mr. Cornelius previously read the letters of objection into the record. This application is related to the previously discussed Small Scale Comprehensive Plan Amendment.

Mr. Topping made a motion to recommend approval to the Board of County Commissioners (BOCC) of the request to rezone 9.9 acres from A5 to CL in order to bring the property into compliance with the Future Land Use. Mr. Cole seconded the motion and the motion carried.

***Discussion of Water Conservation-***

Mr. Cornelius discussed the previously submitted materials from Hernando County and the Withlacoochee Water Supply Authority. Mr. Cornelius explained staff is currently working on a report addressing water conservation issues for County Administrator Sandee Howell. Mr. Cornelius stated staff has met with a representative from The Villages to discuss their procedures for conserving water. Reclaimed water was discussed. The regulatory permitting agencies for water conservation were discussed.

The Board expressed their desire to submit recommendations to the BOCC regarding procedures to address water conservation issues. Mr. Cornelius explained there are provisions already in place in the objectives and policies of the county's comprehensive plan that address the appointment of a county employee to address such issues. The proposed salary for an employee and the associated expenses were discussed. Mr. Berry discussed the current density point system the County utilizes and how water conservation measures can be used in that system.

Mr. Cornelius discussed county subdivision developments and the methods they currently use to conserve water. Mr. Cornelius stated the county currently has limited ability to enforce water conservation measures due to the lack of resources to monitor compliance. The Villages water conservation procedures were discussed including water being pumped from the lower Floridian aquifer into a separate system utilized for irrigation, while no potable water is used, which recharges the aquifer and drinking water supply, while pumping to ponds for distribution.

Mr. Cornelius stated Hernando County has a full-time water conservation staff member funded by their utility department. Mr. Topping expressed the need for Sumter County to hire a full-time employee. The possible threats to the current potable water supply were discussed. The possible requirement of non-potable water use for irrigation was discussed. Mr. Cornelius stated an analysis is needed in order to set criteria for water conservation measures. The existing thresholds found in the county code were discussed. Commercially zoned properties and their water use were discussed. Mr. Story discussed metering wells and water supplies. Mr. Cassels recommended seeking information regarding cost recovery for a water conservation program through state or federal grants.

Mr. Cornelius stated water conservation can be imposed due to the current regulations in the county's code and comprehensive plan. Mr. Cornelius stated he will provide the Board with a copy of staff's findings when the report for Mrs. Howell was completed. Mr. Cornelius discussed the county's future plans to review stormwater use that could possibly evolve into a water conservation program to fund an employee for both stormwater and water conservation purposes.

Mr. Topping expressed his desire to forward to the BOCC the Zoning and Adjustment Board's ideas and recommendations regarding requirements to effectively conserve potable water. Mr. Topping also discussed including strict regulations in the comprehensive plan, using non potable water for irrigation purposes, and designating an employee to establish a water conservation plan and implement a policy. Mr. Topping offered his assistance to Mr. Cornelius in establishing language to implement an ordinance in support of the current comprehensive plan policies and objectives. Mr. Cornelius stated he will include all of the Board's concerns in the staff report being prepared for Mrs. Howell.

***Public Forum-***

Mr. Szczepanski stated he has spoken with Gary Reynolds, Finance Director, regarding the W-9 forms that some of the Board members has received for the taxable/reportable income issued to them for payment for attending the meetings. Mr. Szczepanski explained some Board members have tripped the \$600 threshold which was why the W-9 forms were received. The Board discussed their income being per diem for reimbursement of mileage and fuel, not reportable income. Mr. Cornelius stated he will discuss this matter with Mr. Reynolds and get clarification, and report back to the Board.

Mr. Cornelius explained the additional binders are for the Board members to review regarding the proposed ACMS Construction & Demolition Landfill that will be heard on February 19, 2007.

Mr. Cole made a motion to adjourn the meeting at 8:00 pm. Mr. Szczepanski seconded the motion and the motion carried.

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Larry Story, Chairman  
Zoning and Adjustment Board